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BEFORE THE  
Federal Communications Commission

WASHINGTON, D.C.

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JUL 11 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
)  
Streamlining Broadcast EEO )  
Rules and Policies, Vacating the EEO )  
Forfeiture Policy Statement )  
and Amending Section 1.80 of )  
the Commission's Rules To Include )  
EEO Forfeiture Guidelines )

MM Docket No. 96-16

To: The Commission

**COMMENTS OF THE CURATORS  
OF THE UNIVERSITY OF MISSOURI**

The Curators of the University of Missouri (the "Curators"), the licensee of commercial television station KOMU-TV, Channel 8, Columbia, Missouri and non-commercial educational FM broadcast stations KBIA(FM), Columbia, Missouri, KUMR(FM), Rolla, Missouri, KMNR(FM), Rolla, Missouri, KWMU(FM), St. Louis, Missouri, and KCUR-FM, Kansas City, Missouri, hereby submit comments in response to the above-captioned Order and Notice of Proposed Rule Making (the "NPRM"), 11 FCC Rcd 5154, released February 16, 1996.

1. In the NPRM, the Commission seeks comment on "how to improve [its] EEO Rule and policies to afford relief to licensees and permittees of small stations and other distinctively situated broadcasters without undermining the effectiveness of the program."

NPRM ¶ 16. The Curators welcome the opportunity to address certain problem areas posed by the current implementation of Commission rules, especially for "distinctively situated" public institutions and academic institutions.

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2. Overall, the Commission has established a complex and detailed process by which all licensees must demonstrate compliance with the EEO guidelines and hiring criteria. Moreover, the Commission has established severe financial sanctions for licensees that fall short of the new standards. These Comments address the unique circumstances of educational institutions in terms of EEO requirements and also seek a more appropriate Commission approach toward EEO in small markets.

**I. THE FCC MUST CONSIDER THE DISTINCT HIRING SITUATION OF PUBLIC INSTITUTIONS**

**A. Public Institutions Must Meet Previously Defined Eeo Guidelines**

3. The Curators presently comply with the employment regulations from the Office of Federal Contract Compliance ("OFCCP"). The OFCCP is responsible for enforcing the EEO requirements for those employers, like the University of Missouri, who are federal contractors. Significantly, the OFCCP regulations provide a more accurate methodology for EEO recruitment and hiring programs for public universities than the Commission guidelines. The imposition of a separate set of EEO rules from the federal government, via the Federal Communications Commission, is unwieldy and imposes substantial burdens on licensees who are public institutions. That burden is described by the Assistant Vice Chancellor for Human Resource Services at the University of Missouri, Karen Touzeau, in a statement attached hereto as Exhibits A,<sup>1/</sup> and also in a statement by Jatha B. Sadowski, Associate Director, Human Resource Services, attached hereto as Exhibit B. Ms. Touzeau is responsible for ensuring that her

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<sup>1/</sup> Since Table 2 of Ms. Touzeau's original 1994 statement was based on 1992 statistics, Ms. Touzeau has also supplied a second Table 2 based on 1995 statistics.

department gathers all the information necessary to meet the various federal employment guidelines. Ms. Touzeau also happens to be African American and, thus, is uniquely qualified to comment on this issue.

4. The OFCCP methodology requires a detailed analysis of civilian labor force statistics which reveal the number of women and minorities with particular skills for common jobs within a "job family." This analysis is more appropriate than a pure workforce statistic because it represents the number of persons in a particular metropolitan area who have the skills to perform the jobs for which the licensee has vacancies. The OFCCP thus bases its EEO requirements on the number of women and minorities with the skills to perform the available job.

5. In contrast, the Commission's EEO guidelines do not and cannot reflect the actual availability of women and minorities with requisite job skills and are therefore particularly onerous. For example, in Boone County, Missouri where two of the Curators' stations are located, 48.6% of the workforce is female and 9.8% is minority. However, of the civilian labor force with the skills necessary to perform the tasks required of an engineer, only 19.1% are women and 6.4% are minorities. To reach parity in Boone County under the Commission's standards, a licensee would have to have greater than twice the percentage of women engineers than the total percentage in the metropolitan area. This flaw in the Commission's statistics is particularly unfair in light of the severe monetary sanctions that can be imposed upon licensees who are unable to meet the Commission's guidelines.

6. Because the percentage of women and minorities actually available for a particular job opening might be less than the general civilian labor force data indicates, the Commission should focus instead upon the availability of women and minorities having requisite

skills in the relevant area, like the OFCCP does. To recruit from among those without the requisite skills does not further any EEO goal and wastes the resources of the licensee and the Commission. In small markets, meeting the Commission's current guideline of interviewing a female or minority applicant for at least 66% of all full-time job openings may well be an impossibility because the actual availability of potential employees with the requisite skills can be negligible.

7. From a procedural standpoint, the Commission's new EEO guidelines are also problematic. Under the new rules, some licensees will be burdened with two sets of EEO regulations utilizing different record-keeping mechanisms and different compliance standards from two different federal agencies. The possibility for confusion is enormous because of the volumes of record-keeping, statistical analyses, and other paperwork that will be required. The Commission should exempt licensees that are also federal contractors from Commission requirements to the extent that they meet OFCCP EEO guidelines. At the very least, the Commission must consider bringing its guidelines in line with the previously tested OFCCP regulations.

**B. Academic Institutions Must Balance Competing Goals  
in Institutional Hiring**

8. Unlike more traditional broadcast stations, those licensed to educational institutions focus on teaching and learning as well as operating the station. For example, every member of the full-time staff at KOMU-TV is involved in the educational process of training the many student interns at the station. Some staff members have academic appointments in addition to their work at the station, and many of the station's employees are teaching assistants and

graduate teaching assistants. The television station has no control over the acceptance of female or minority graduate students. For insurance purposes all of these individuals are placed on the KOMU-TV payroll as part-time employees, and therefore create its employment recruitment and hiring statistics.

9. To fulfill its purpose as a teaching facility, KOMU-TV has between 40 and 60 student interns each semester. These interns are not selected from the population at large, but are University of Missouri students who have enrolled in particular University courses relating to television. KOMU-TV also hires two or three full-time employees each year from the ranks of the student interns to supervise the incoming student interns. KOMU-TV selects the most qualified interns from the current pool for these positions, but, again, has no control over the female and minority content of the pool.

10. Because of its academic connection, KOMU-TV does not have many "job openings" for which it can recruit from the general population and create a "pool" of applicants from which to hire. Moreover, the salaries for the television and radio stations are set by the Curators of the University and may or may not be competitive with other broadcast job opportunities. Individuals attracted to positions at the University's stations frequently possess academic backgrounds and desire employment in an academic setting. The pool of qualified applicants is thus more narrow than that reflected by the FCC population statistics.

11. As both Commission licensees and the governing body of a public institution, the Curators are in a situation quite different than other Commission licensees. Not only must the Curators meet previously established hiring guidelines, but they face hiring obstacles related to their academic requirements and financial restrictions. The Curators are not in a position to

authorize the employment of a number of individuals from the general population who have no experience, background or interest in teaching or working in an academic environment. For these reasons, public institutions should be exempted from the Commission's new recruitment and hiring requirements.

12. For similar reasons, the Curators strongly support the Commission's proposal that EEO recruitment rules apply only to vacancies for full-time positions (more than 30 hours per week) and that the definition of "vacancies" be defined accordingly. NPRM, ¶44, n. 52. The proposed clarification to confine the EEO Rules to full-time vacancies will allow the Curators to continue their program for student interns, and will permit others to undertake similar programs. The proposed definition is therefore in the public interest. The Curators urge, however, that stations should be allowed extra credit for recruiting and hiring minorities or women for part-time positions. Programs that recruit minorities for part-time positions can provide invaluable training to minorities and women and can lead to increased full-time hiring of minorities and women later -- not just by the station in question, but also by other stations that can make use of trained candidates. The Commission's rules should therefore encourage part-time hiring of minorities and women by providing extra credit for stations that demonstrate they have minorities and females in part-time positions.

## **II. SMALL MARKET HIRING REALITIES MANDATE DIFFERENT STANDARDS**

13. The Curators recognize and appreciate the need for an EEO policy that is consistent and fair to all licensees. Small market licensees, however, do not operate in the same environment as their Top 100 counterparts when it comes to the availability and employment of

women and minorities with the necessary job skills. While standard treatment may be theoretically appealing, in reality, small market stations experience vastly less favorable qualified minority and female hiring opportunities. As demonstrated above, the qualified female and minority applicant pool can be a dramatically lower percentage than the female and minority percentage of the civilian labor force at large.

14. The Curators hold the licenses for two broadcast stations in Rolla and two others in Columbia, Missouri. Rolla has a total population of 14,090, including approximately 4,826 college or university students. Columbia has 69,101 residents and, in addition, approximately 22,166 college or university students. While two of the University's noncommercial educational FM stations are located in the more populous areas of St. Louis and Kansas City, they must compete for job applicants with the many commercial stations who can afford to offer higher salaries. Recruiting a "pool" of qualified applicants for any position can itself be a demanding task. Recruiting a qualified pool of applicants that meets the Commission's unrealistic standards is a virtual impossibility. The detailed analyses performed by the Curators for compliance with the OFCCP guidelines provide a more reasonable baseline from which to assess its recruitment efforts.

15. In connection with the specific proposed changes in §§ 21- 24 of NPRM, the Curators believe that any stations subject to OFCCP requirements should be exempt and that exempt stations should be required to file only the first page of Form 395-B and Form 396-A, and the first two pages of Form 396, certifying that they meet the criteria for the exemption. See NPRM § 23. The Curators do not believe that exempt stations would be disadvantaged by the

resulting lack of record keeping, any more than stations with fewer than five employees are currently disadvantaged.

### **III. THE COMMISSION SHOULD GIVE FULL CREDIT FOR USE OF JOINT RECRUITMENT SOURCES**

16. The Curators support the Commission's proposal in the NPRM that broadcasters should be given credit for using state broadcaster associations and other joint recruitment sources. NPRM ¶ 31-33. Use of such association efforts will help to reduce the administrative burdens on individual stations without decreasing the effectiveness of the overall effort to recruit minorities and women. The Curators agree with the proposal that individual broadcasters should be given credit equivalent to their own contacts for using joint recruitment efforts under the auspices of a state broadcaster association. NPRM ¶¶ 31-32. However, the Commission should realize that use of state associations and job fairs is not necessarily going to solve all the problems that small market broadcasters face. Unemployment in Boone County, Missouri, where two of the Curators' stations are located, is very low, and often there is low turnout at job fairs.

### **IV. THE COMMISSION SHOULD NOT ADOPT THE PROPOSED FORFEITURE SCHEDULE**

17. The Curators strongly oppose the Commission's proposed Forfeiture Schedule. The fines are far too costly for educational broadcasters. Currently, the Curators devote a great deal of staff time and expense to FCC compliance. Special records must be kept to comply with the FCC EEO rules since the FCC rules go beyond the compliance that OFCCP mandates for equal employment opportunity. The Curators have had to adopt additional forms to generate the kind of information that must be reported in FCC license renewal applications. (See e.g. Exhibit



B). The proposed fines are simply way beyond what a public university can afford to pay. Moreover, it is particularly unfair to subject educational licensees automatically to a costly license renewal hearing simply because they had a previous sanction which included a short-term renewal. The Commission must consider the specific circumstances involved. Finally, the Commission should reconsider the 66% pool requirement. In smaller markets, this requirement is often difficult to meet. The Commission has not articulated the basis for adopting a 66% requirement and some flexibility should be permitted, particularly for small market broadcasters and educational licensees.

**V. ANY NEW FORFEITURE GUIDELINES SHOULD BE APPLIED PROSPECTIVELY**

18. The Curators disagree with the Commission's statement in ¶ 47 of the NPRM that the Commission can impose its proposed new guidelines for assessing forfeitures for violations of the Commission's broadcast EEO Rule, including circumstances which merit an upward or downward adjustment in the amount of the forfeiture, for conduct prior to the effective date of the new guidelines. The Curators believe that the guidelines and EEO Policy Statement should be applied prospectively only. The Supreme Court supports the view that statutes affecting substantive rights should not be applied retroactively absent the express intention of Congress. See Landgraf v. USI Film Products, 114 S.Ct. 1483 (1994). In interpreting the obligations of an employer sued by an employee for sexual harassment which occurred prior to the time that the Civil Rights Act of 1991 created additional remedies, the Court stated that "it would be unjust to apply this kind of additional and unforeseeable obligation to conduct [of the employer] occurring before the effective date of the Act." In the absence of express language to the contrary, "our

traditional presumption teaches that [retroactivity] does not govern absent clear congressional intent favoring such a result." To the extent that the new Commission guidelines will apply to public institutions, these institutions should not be penalized for noncompliance with the guidelines for any time period prior to their effective date.


## **VI. CONCLUSION**

For the foregoing reasons, the Curators of the University of Missouri believe that the Commission's EEO Rule and EEO Policy Statement create impossible burdens for public institutions and for small market stations. The current method of producing adequate pools for job hires is not realistic in smaller markets with the economic constraints of the profession and the competitive constraints of the marketplace. The OFCCP guidelines should be adopted by the Commission, at least for licensees who are federal contractors, because they provide a much more accurate depiction of the qualified female and minority applicants in a metropolitan area.

Respectfully submitted,

**THE CURATORS OF THE UNIVERSITY OF  
MISSOURI**

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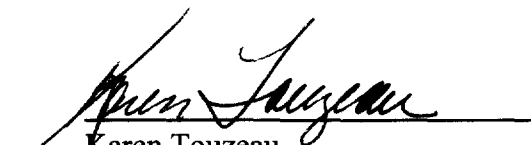
Dated: July 11, 1996

## **EXHIBIT A**

## **DECLARATION**

I, Karen Touzeau, Assistant Vice Chancellor for Human Resource Services at the University of Missouri at Columbia, Missouri, hereby declare under penalty of perjury as follows:

On June 9, 1994, I provided a sworn statement which was appended to the "Comments of the Curators of the University of Missouri" that were filed with Federal Communications Commission on June 13, 1994, in connection with MM Docket No. 94-34, In the Matter of Implementation of Commission's Equal Employment Opportunity Rules. Attached hereto is a copy of my June 9, 1994 Statement. The Statement that I provided in June 1994 is just as true, correct and relevant today as it was in June 1994. Attached is an updated Table 2.

  
Karen Touzeau

Dated: July 10, 1996

**TABLE 2**  
**AVAILABILITY OF WOMEN AND MINORITIES BY EEO JOB GROUP**  
**1995**

EEO JOB GROUP <sup>1</sup>	FACTOR 4 <sup>2</sup> MIN	FACTOR 5 <sup>3</sup> MIN	AVAILABILITY <sup>4</sup> MIN	FACTOR 4 <sup>2</sup> WOMEN	FACTOR 5 <sup>3</sup> WOMEN	AVAILABILITY <sup>4</sup> WOMEN
101-MANAGER/ADMINISTRATOR	4.64	14.17	12.60	44.18	43.73	44.14
304-ENGINEERS	5.53	12.83	12.22	10.92	10.56	15.69
308-PUB RELATIONS/PUB WRTR	5.73	7.20	7.60	47.46	52.60	52.29
310-WRITER/ART/ENTERTAINER	7.01	6.60	7.41	50.91	50.65	51.06
402-CLERICAL/MISC	7.70	7.70	8.93	81.05	81.05	75.95
403-CLERICAL-SEC/STENO/TYP	7.54	7.54	8.38	95.39	95.39	87.44
502-WRTR/ART/ENTERTAINER	5.18	5.18	6.23	48.84	48.84	49.45
503-OPER: COMP/PERIP EQUIP	6.80	6.80	8.35	38.47	38.47	40.03
504-ENG/SCIENCE TECHNICIAN	5.78	9.27	9.02	15.33	21.68	27.20
704-CLEANING & FOOD SVCE	20.81	20.81	21.50	45.60	45.60	44.63

<sup>1</sup> EEO JOB GROUP- consists of job titles grouped together due to common characteristics, similar content, wage rates and opportunities (41 CFR60-2.11(b)).

<sup>2</sup> Percentage of minorities or women among those having requisite skills in the immediate labor area.

<sup>3</sup> Percentage of minorities or women among those having requisite skills in the reasonable recruitment area.

<sup>4</sup> The percentage of minorities or women who have the skills for entry into a specified job group - based upon OFCCP 8 factor analysis.

STATEMENT OF KAREN TOUZEAU

1. I am the Assistant Vice Chancellor for Human Resource Services of the University of Missouri at Columbia, Missouri, a position that I have occupied for 5 years. My responsibilities include supervision of the Human Resource department including the Columbia campus's affirmative action programs as well as ensuring compliance with equal employment opportunity requirements. I also coordinate closely with my counterparts at the University's other campuses.

2. I am writing this Statement in support of the Comments that the Curators of the University of Missouri are filing in their capacity as the licensee of a commercial television station as well as noncommercial educational FM broadcast stations. During my tenure as Assistant Vice Chancellor for Human Resource Services, I have worked with the Columbia stations to assure that they collect the EEO data required by FCC rules and policies. I have found that the Commission's EEO and affirmative action requirements are far more burdensome than those already in force for public universities. As a result, we have had to adopt special measures to collect the data that the FCC expects licensees to supply with their license renewal applications.

3. I would like to take this occasion to examine the implications of the FCC's use of civilian labor force data for EEO compliance. I am particularly concerned about the impact of the FCC's procedures on small market stations where relatively few numbers of women and minorities are available for appropriate jobs.

4. The methodology for producing affirmative action programs for public universities is based on the regulations from the Office of Federal Contract Compliance (OFCCP). The OFCCP is responsible for enforcing the affirmative action requirements for those employers who are federal contractors. Because of its extensive contracts, the University of Missouri - Columbia is covered by these regulations.

5. It is my concern that the FCC uses different statistical standards than the OFCCP in determining deficiencies for the purposes of EEO and affirmative action. The use of civilian labor force statistics, in my judgment, is an incorrect data comparison. This is particularly true in light of the fact that most federal contractors are required to do a far more detailed analysis using numbers that represent the availability of women and minorities with the particular requisite skills for common jobs within a series of titles called a job family.

6. It is my understanding that according to the FCC, if a station meets the Commission's "parity test" for minority and female employment, it is generally considered in compliance with the EEO requirements. For instance, the 50% parity test means, "that the percentage of minority and female employees at the station considered separately, should be at least 50 percent of the percentage of minority and females in the labor force for the surrounding metropolitan statistical areas." In Boone County, Missouri, where Columbia is located, the civilian labor force data for women and minorities and resulting parity percentages are as shown in attached Table 1.

7. These figures include persons, both employed, unemployed and seeking work regardless of occupation. Thus, the figures do not identify the availability of persons in a particular metropolitan statistical area who have the skills to perform the jobs for which the University's TV station or radio station in Columbia has vacancies.

8. The FCC's new Policy Statement outlining EEO sanctions suggests a base fine of at least \$12,500 when a station fails to actively recruit so as to have minority and female applicants and interviewees for at least 66 percent of all the full-time openings. However, in small markets, meeting this female and minority applicant/interviewee pool may be an impossibility. This is particularly difficult when the actual availability of females and minorities in the reasonable recruiting work force is very small.

9. It seems that the FCC always determines "parity" by using the broad labor force number without regard for more accurate data. I believe it is important that the FCC consider the relevance of this civilian labor force data when so much of the enforcement effort is tied to this labor force number. I would suggest that the FCC use more precise census data to provide information on the specific availability of women and minorities with certain types of skills. Looking at the availability of persons with the appropriate requisite skills in the immediate labor area is a more relevant number to use for compliance purposes. This data is available for almost any jurisdiction in the nation and is also consistent with the kind



of analysis that the University is required to undertake when developing an entire affirmative action program.

10. Table 2 shows the percentage of women and minorities with the particular requisite skills in the same metropolitan statistical area using 1990 base census data for the 1992 census year. Factor 4 on Table 2 is the census data which specifically reflect the general availability of women and minorities with the requisite skills for specific EEO job groups in the local labor area (Boone County MSA). Please note that the figures representing "minorities with the requisite skills" in Factor 4 are less than the 9.8% civilian labor force figure, in every EEO job group except cleaning and food service. This suggests that the percentage of minorities and women actually available for employment might be less than the civilian labor force data. Therefore I would suggest that the FCC's parity standard should more appropriately be 50% of the availability for Factor 4 for each EEO job group in which broadcast stations have positions. The requirements imposed by the Commission should not be more stringent than those required by OFCCP.

I hereby declare that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 24th day of June 1994.

  
Karen Touzeau

**TABLE 1**  
**CIVILIAN LABOR FORCE BY RACE AND SEX,**  
**BOONE COUNTY METROPOLITAN**  
**STATISTICAL AREA 1980 AND 1990 CENSUS**

YEAR	% FEMALE	% FEMALE PARITY	%MINORITY	% MINORITY PARITY
1980	49.29	24.64	10.83	5.42
1990	48.60	24.30	9.80	4.90

**TABLE 2**  
**AVAILABILITY OF WOMEN AND MINORITIES BY EEO JOB GROUP**  
**1992**

EEO JOB GROUP <sup>1</sup>	FACTOR <sup>2</sup> 4 MIN	FACTOR <sup>3</sup> 5 MIN	AVAILABILITY <sup>4</sup> MIN	FACTOR 4 WOMEN	FACTOR 5 WOMEN	AVAILABILITY WOMEN
101 - MANAGER/ADMINISTRATOR	3.5	11.5	9.7	43.7	35.2	33.7
304 - ENGINEERS	6.4	13.4	10.5	19.1	17.8	24.8
308 - PUB RELATIONS/PUB WRTR	5.7	7.5	7.8	49.5	44.0	43.6
310 - WRTR/ART/ENTERTAINER	7.7	6.0	7.8	47.7	51.5	45.5
402 - CLERICAL/MISC	9.5	9.5	10.2	69.4	69.4	55.2
403 - CLERICAL-SEC/STENO/TYP	9.3	9.3	10.1	90.7	90.7	75.0
502 - WRTR/ART/ENTERTAINER	6.0	6.0	10.5	56.2	56.2	48.3
503 - OPER: COMP/PERIP EQUIP	7.5	7.5	9.0	41.0	41.0	39.6
504 - ENG/SCIENCE TECHNICIAN	8.8	10.5	10.5	29.8	25.8	30.6
704 - CLEANING AND FOOD SERVICE	18.5	18.5	12.0	45.7	45.7	28.6

<sup>1</sup> EEO Job Groups - consist of job titles grouped together to due common characteristics, similar content, wage rates and opportunities (41 CFR60-2.11(b)).

<sup>2</sup> FACTOR 4 - The general availability of women and minorities having requisite skills in the immediate labor area. Boone County SMSA

<sup>3</sup> FACTOR 5 - The availability of women and minorities having requisite skills in an area in which the employer can reasonably recruit.

<sup>4</sup> AVAILABILITY - The percentage of minorities or women who have the skills for entry into a specified job group - based on OFCCP 8 factor analysis.

## **EXHIBIT B**

**Declaration of Jatha B. Sadowski**

I, Jatha B. Sadowski, Associate Director for Human Resource Services at the University of Missouri-Columbia, hereby declare under penalty of perjury as follows:

1. This declaration and the attached documents delineate the special process that Human Resource Services at the University of Missouri-Columbia ("HRS-MU") has developed to comply with FCC EEO requirements for Station KOMU-TV, Columbia, Missouri which is licensed to The Curators of the University of Missouri, above and beyond the processes which HRS uses to comply with the procedures of the Office of Federal Contract Compliance Programs of the Department of Labor ("OFCCP").

2. Pursuant to Executive Order 11246 the University of Missouri-Columbia, as a federal contractor, is required to prepare an annual affirmative action plan ("AAP") documenting the University's affirmative efforts to attract females and minorities. For affirmative action requirements (as monitored by OFCCP) HRS-MU identifies underutilized positions in the annual AAP. Underutilization is identified based on a statistical analysis of available, qualified females and minorities in the job group compared to actual representation of females and minorities in the University's workforce for that job group. For KOMU vacancies as a result of FCC policies, there is the additional requirement to monitor "parity." Underutilization and parity differ because parity considers the available minority and female population in the labor force for the surrounding metropolitan statistical area (MSA) without regard to whether the statistics include individuals who are qualified for the positions and without regard for where the employer recruits (e.g., national versus local). In addition, FCC licensees must maintain information on job groups which are different than job groups for the AAP.

3. HRS-MU gathers information to include in the annual AAP while maintaining parallel, although slightly different, systems to document the EEO/Affirmative Action efforts for

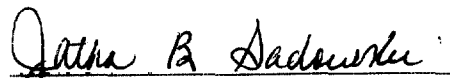
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FCC requirements. For KOMU vacancies, the following list includes activities conducted to comply with FCC requirements.

1. Follow-up letters to applicants
2. Follow-up calls to applicants who do not respond to letters
3. Annual letters to referral sources
4. Bi-annual review of referral sources (for purposes of updating those sources)
5. Applicant summary worksheet
6. Referral Source summary worksheet
7. Annual KOMU Recruitment Plan
8. Special mailings of vacancy notices to referral sources

4. For KOMU vacancies, HRS-MU developed a special recruitment procedure. This procedure cannot replace the regular process because of federal regulations and University policy that also must be followed. Because of the unique nature of KOMU vacancies (i.e., FCC EEO requirements), HRS-MU must provide special training to staff responsible for recruitment to insure that the procedures are followed. It takes a long time for staff to understand the special procedures because the concepts of parity and job categories are not familiar. In addition, it confuses staff because the procedures seem similar to our regular processes, and they do not understand why these additional steps are necessary. These additional steps are burdensome, time consuming and confusing.

Executed this 10<sup>th</sup> day of July, 1996.

  
Jatha B. Sadowski

## KOMU-TV PROCEDURES

### A. SPECIAL RECRUITING STEPS

After processing the new KOMU-TV requisitions in Applicant Tracking System (ATS), vacancy list and notices, a special recruitment letter must be generated and mailed. This letter announces the vacancy and is mailed to agencies, organizations and schools along with the vacancy notices. Two announcement letters exist. One is used with groups that have a strong minority membership base. These groups only receive vacancy information about KOMU-TV openings. The second announcement is sent to schools and organizations that already receive the vacancy list weekly. We send additional information about the KOMU-TV openings. This mailing should be sent the week we receive the requisition. To produce the letters go into WP 6.0 to merge the addresses of the agencies, organizations and schools with the appropriate letter to be sent to them. Follow the steps listed below:

#### **Generating the "Merge Letters" for both "Organization/School Contact Address" and "Minorities Mailing List"**

	<b>ACTION STEP</b>	<b>WHAT THIS DOES</b>
Step 1	Go to WP 6.0 select file "Tools" "Merge". Click on "Perform Merge". Type f:\usr\persjo\public\fccrecr.pri in "Form File" to obtain the letters and type f:\usr\persjo\public\minority.sec in "Data File" to obtain the addresses. Click "OK" and "Print". (For sample see attachment 1A)	This will merge the letters and the addresses for the <b>MINORITY MAILING LIST</b> . The letter is written to announce just <u>one</u> vacant position.  <b>NOTE:</b> When <u>more than one</u> position is to be announced, follow instruction in <b>Step1</b> , using file name: f:\usr\persjo\public\fcshell2.pri (see attachment 1B).
Step 2	Type "f:\usr\persjo\public\fcshell.pri" in "Form File" to obtain the letter and type "f:\usr\persjo\public\komu-tv.sec" in "Data File" to obtain the addresses. Click "OK" and "Print". (For sample see attachment 2).	This will merge the cover letters and the addresses for <b>ORGANIZATION/SCHOOL CONTACTS</b> . The same letter can be used for one or multiple vacancies.
Step 3	Give all recruitment letters to HRS III who supports KOMU-TV for review and signature.	

Step 4	To create labels for the envelopes, go to WP 6.0 and type: f:\usr\persjo\public\labelkom.wpd. Then "Print". Use size 8.5 x 11 sheets of 33 white labels. Feed the sheet of white labels into the printer by opening the top feeder (ask Peggy or the PAs to show you the top feeder).	This will print the addresses on labels.
Step 5	Copying vacancy notices; label envelopes.	
Step 6	The copy of the notice is attached to the cover letter (see attachment 1A, 1B and 2); stuffed in the labeled envelope and mailed.	

## B. SPECIAL EEO TRACKING STEPS

As applications come in, the Applicant Tracking System must be checked to see that all data needed for FCC reports is in applicant tracking. This data includes the sex and race of all applicants as well as the referral source that made them aware of the vacancy. After screening applications, check for necessary tracking data in the requisition history screen. If data is missing follow up and correspond with applicants in order to collect all information necessary to produce annual report for the FCC (see attachment samples 3A,B & C).

**To retrieve the correspondence and forms necessary, follow steps below:**

	ACTION STEP	WHAT THIS DOES
Step 1	Go to WP 6.0 and type: f:\usr\persjo\public\eeodataf.wpd Type in the applicant name and address information. Print page. Repeat this process as need to followup with all applicants.	This will retrieve the follow-up letter and the data forms sent to applicants. Each letter is individually addressed and printed.
Step 2	Select and print data form to request the information needed; e.g. all data page or refer source only page.	Both forms requesting EEO Data are part of the same file. Select the appropriate forms.

Step 3	Go to WP 6.0, Click "File" "Open". Go to "Quicklist" click on "Return Envelope KOMU", then "Print". Go to printer and put the university self-addressed envelope in the envelope tray -- ask the PAs. You will see ME(flashing) FEED COM10, press "On Line" button to print the envelope/envelopes.	This will print the Sentence "ATTN: KOMU-TV RECRUITMENT" on the returned university self-addressed envelope that you will send together with the follow-up letters. (see attachment).
Step 4	Have HRS III sign letters (currently Peggy Spiers).	This will be verification for our FCC report that we made a special attempt to have data complete
Step 5	Copy of follow-up letters for sequence file.	
Step 6	Use window envelope to mail cover letter, data form and referral envelope.	
Step 7	When completed forms are returned, update the information in ATS and shread form. If applicant checks multiple in referral source, check with the HRS to know which one is to be coded in the worksheet.	

If an applicant does not respond to the follow-up letter for the EEO information, the PA needs to call them. Follow the following script:

**"Good Morning (or Afternoon). My name is \_\_\_\_\_ with the University of Missouri-Columbia--Human Resource Services Department. You applied for employment with us in (Month) of 19\_\_ at KOMU-TV (or KBIA-FM ). Because of our operating license we have to submit FCC annual reports to document our recruitment efforts. We sent you a letter and data form requesting some additional information. This information will not be used in evaluating your job application nor will it be shared with those responsible for the hiring decision. We have not yet received the completed form. If it would be easier I can take the information over the phone.**

**[If response is YES] ask the following questions:**

- 1) How do you become aware of the job opening?**
- 2) What is your race ?**
- 3) What is your gender?**

**[If response is NO]: THANK YOU FOR YOUR TIME.**



If they refuse to provide needed information, document this in the requisition recruiter notes. Those notes will become a part of the sequence file. If the applicant provide the information, update ATS.

After the position is filled and posthire document is received from department, complete both Referral Source Summary Worksheet (see attachment 4) and Applicant Summary Worksheet (see attachment 5).

**To retrieve the information you need to complete the worksheets, follow steps below:**

	<b>ACTION STEP</b>	<b>WHAT THIS DOES</b>
Step 1	After receiving the completed "Posthire Selection Documentation " from the department. Go to ATS; choose <b>8</b> (update detailed requisition); then choose <b>1</b> (general requisition information); type the sequence number, press "Enter". Go to "STATUS" column type <b>58</b> , press <b>F1</b> (update), go back again to "STATUS" and type <b>06</b> , press <b>F1</b> (update).	This will generate <b>06</b> report. It contains the applicant information needed to complete these worksheets. The worksheets are the basis for generating statistics on each vacancy for the annual FCC report.  <b>Note:</b> The <b>06 (requisition history completion report)</b> report will not reach you until the next day after it is run by computing.
Step 2	Transfer information from <b>06</b> report (requisition history completion report) onto the Applicant Summary Worksheet. Calculate the statistics at the bottom of the worksheet ( to calculate the statistic, see the HRS). The master worksheet copy will be kept in the PA's drawer (currently Jacob Odubiyi).	
Step 3	Give copies of the completed worksheet to KOMU-TV HRS, (currently Peggy Spiers). Keep completed worksheet in Sequence File	

### **C. COMPLETE KOMU-TV SEQUENCE FILE**

Every complete sequence file should include: **1)** vacancy notice; **2)** copies of all employment advertisements and posting for the job openings (other that the agencies the vacancy list is sent to each week; **3)** a copy of every resume or job application received for the opening; **4)** copy of the